

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TYLER ERDMAN :

Plaintiffs, : ORDER

-v.- :
20 Civ. 4162 (LGS) (GWG)
ADAM VICTOR et al., :

Defendants. :
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

An attorney for the defendant or the defendant himself is directed to file a sworn statement by November 4, 2022, detailing all efforts, in the past or ongoing, to produce documents responsive to plaintiff's document requests, which shall include any efforts undertaken since July 26, 2022. The description of the efforts shall provide copious detail as to dates of the search, the sources or databases searched, the personnel involved in the search, and the manner of the search. If information provided in the sworn statement is not based on personal knowledge, the source of such information shall be disclosed.

Inasmuch as the Court ordered on July 26, 2022, that a search be conducted of all document sources for responsive documents through the present, and the defendant has conceded that no search has taken place since that date, the defendant's attorneys shall explain in a memorandum of law why no sanction should issue pursuant to Fed. R. Civ. P. 37(b) for the failure to conduct the search mandated by the July 26, 2022 Order. The defendant or his attorneys shall disclose any efforts that have been made since the Court conference on October 28, 2022, to conduct any such search.

As to the third party custodians, the defendant or his attorney shall provide an affidavit by November 4, 2022, giving dates and descriptions of all efforts to contact these custodians, including all efforts made to follow up with these custodians to obtain the requested documents.

SO ORDERED.

Dated: October 28, 2022
New York, New York



GABRIEL W. GORENSTEIN
United States Magistrate Judge